

**STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG**

**BOARD OF ADJUSTMENT
OCTOBER 16, 2018
5:30 P.M.**

On this the 16th day of October 2018, the BOARD OF ADJUSTMENT convened in regular session at the regular meeting place thereof with the following members present to constitute a quorum

PRESENT
CYNTHIA SCROGGINS
JOHN SMILJANIC
JEFF LAWRENCE
ROBERT DEMING
DONNIE FINN

ABSENT: JIM MCAFEE

ALSO PRESENT: BRIAN JORDAN - Director of Development Services

Robert Deming called the meeting was called to order at 5:30 P.M.

MINUTES

John Smiljanic made a motion to approve the minutes from the June 2018 Meeting. Cynthia Scroggins seconded the motion. All voted in favor and the motion carried.

PUBLIC HEARING

Consider (ZBA2018-07) by Daniel Jenschke at 720 Emory for a Variance to Section 3.100 of the Zoning Ordinance, pertaining to Single Family Residential lots that require a 15' Street Side Set Back. The applicant is requesting a Variance to have 5" encroachment into the 15' Street Side Set Back.

Donnie Finn made a motion to open the public hearing. Cindy Scroggins seconded the motion. All voted in favor and the motion carried.

Daniel Jenschke, the owner, presented the application. He explained that due to an error made when locating the property line, the house was constructed with a 5" encroachment into the Street Side Set Back. He stated it was unintentional but is obviously an issue.

Cindy Scroggins made a motion to close the public hearing. John Smiljanic seconded the motion. All voted in favor and the motion carried.

Brian Jordan, Director of Development, stated that staff recommends approval as it is not believed that this minor variance will alter or effect the adjacent property and will not be noticeable. He went on to say that the circumstances in this case were due to an error being made when the property lines were located. This error is not uncommon when a street appears to be straight and is not due to a large curvature.

John Smiljanic stated this seems like a simple request, he saw no issue with the application. Jeff Lawrence agreed.

Motion made to approve Application ZBA2018-07 by John Smiljanic. Donnie Finn seconded the motion. All voted in favor and the motion carried.

Consider (ZBA2018-08) by Milton Driver at 702 N. Orange for a Variance to Section 3.100 of the Zoning Ordinance, pertaining to Single Family Residential lots that require a 10' Rear Set Back. The applicant is requesting a Variance to have encroachment into the 10' Rear Set Back.

Donnie Finn made a motion to open the public hearing. Cindy Scroggins seconded the motion. All voted in favor and the motion carried.

Barry Wagner, the Architect, presented the application. He stated the owner wanted to preserve the large pecan tree on the property and believed this design would protect the root system of the decades old tree.

Cindy Scroggins made a motion to close the public hearing. John Smiljanic seconded the motion. All voted in favor and the motion carried.

Brian Jordan, Director of Development, stated the applicant intends to construct the new garage in the vicinity of the old garage and encroach into the rear yard setback. The purpose of this request is to move the building a minimum of 8' from the base of an existing Pecan Tree. Brian stated while staff certainly understands the desire to have a separation between the building and an existing tree, staff does not think this is grounds for a variance and recommends denial.

Cindy Scroggins asked if the neighbors voiced any complaints regarding this request. Brian stated no comments were received, although, the applicant visited with the owner of the adjoining property and they have no problem with the proposed building.

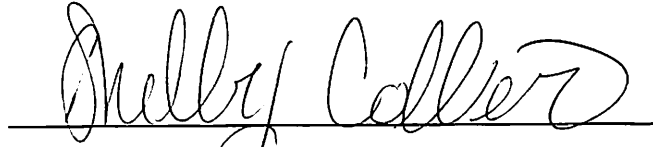
Robert Deming stated this Ordinance is clear and this application does not appear to meet the requirements for a variance.

Motion made to deny Application ZBA2018-08 by John Smiljanic . Donnie Finn seconded the motion. All voted in favor and the motion carried.

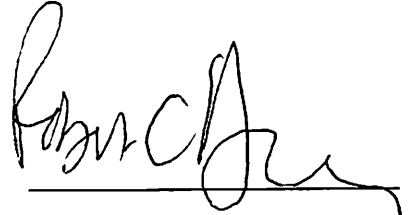
ADJOURN

With nothing further to come before the Board, Donnie Finn moved to adjourn the meeting and Cynthia Scroggins seconded the motion. All voted in favor and the meeting was adjourned at 5:57 P.M.

PASSED AND APPROVED this the 11th of April

A handwritten signature in cursive script, reading "Shelby Collier", written over a horizontal line.

SHELBY COLLIER, DEVELOPMENT COORDINATOR

A handwritten signature in cursive script, reading "Robert Deming", written over a horizontal line.

ROBERT DEMING, CHAIR